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THE CAUSES AND ORIGINS OF SEPARATISM IN JAMMU AND KASHMIR

Indian society is distinguished by an extraordinary diversity of ethnic, confessional, caste and social. Ethnic groups inhabiting the country are different in size, levels of economic development and national identity, degree of consolidation and autonomy. In addition, the ethnic situation in India is complicated by the religious factor. Approximately 85% of the population of India belongs to the Hindu community, the rest are minority communities (Muslims, Christians of various denominations, Sikhs, Buddhists, Jains). In addition, as a political unity, modern India was created artificially, as a result of the British conquest. Therefore, the national feeling arose after the fact, and not in the natural process of the national consolidation of the country.

It is not surprising that due to this heterogeneity of the population, India over the years of independence has faced many conflict situations caused by dissatisfaction with its position on the part of various ethnic, social and religious groups, as well as contradictions between their interests. Such protests of minorities, as well as conflicts on ethnic and religious grounds, always pose a threat to political stability, and sometimes – to the territorial integrity of the country. In this regard, movements pursuing separatist goals pose a particular danger to the unity of the Indian state. Some of them (for example, the movement for the creation of an independent "Dravidistan" in southern India) were allowed within the federal system through the creation of the so-called "linguistic states" after the territorial reorganization in 1956. But even now, separatist movements continue in different parts of India. of varying intensity. The central and regional authorities of the country are making great efforts in the fight against separatism. To do this, they use the entire available arsenal of means and methods: from options for suppressing separatists by military force to peace negotiations and considering the possibility of a political settlement of the problem.

Keywords: *Jammu and Kashmir; India; Pakistan; China; Separatism.*

Jammu and Kashmir, the northernmost region of India, is strategically located at the junction of India, Pakistan, China and Afghanistan. True, at present, India actually does not have a direct border with Afghanistan due to the occupation of northern Kashmir by Pakistan.

The interests of India and its neighbors are closely intertwined in this region, and the external factor has a noticeable impact on the internal political development of this state throughout the entire period after India's independence.

Another important factor is the inaccessible mountainous terrain of most of the region. The Himalayan mountains here reach heights from about 2500 m to over 8000 m. Among the mountains at an altitude of about 1700 m above sea level is the famous Kashmir Valley.

Jammu and Kashmir had a special status in India under the Constitution until 2019 and were considered states. The state mentioned included three large administrative regions, which include various natural and historical-geographical territories:

- 1) Jammu – a narrow strip of the Punjab plain, foothills and the Pir-Panjal ridge;
- 2) Kashmir – the Kashmir Valley and the Great Himalayan Range;
- 3) Ladakh is a high-mountainous plateau, joining with Tibet.

The mentioned areas also differ sharply among themselves and in the ethno-confessional composition of the population, which is another factor requiring consideration.

However, since August 2019, everything has changed: on August 5, 2019, the Indian government decided to exclude Article 370 from the Indian Constitution, which gave a special status to the northern state, and introduced a bill on dividing it into two union territories – Jammu and Kashmir and Ladakh. This decision was preceded by a significant military build-up across the state, imposing curfews, cutting off Internet and

mobile communications throughout the state, and arresting local political leaders. [1] "This decision will be inscribed in the history of our country in golden letters. For the coming decades, Jammu and Kashmir will be firmly attached to India! "

Amit Shah, head of the Indian Interior Ministry and president of the ruling Bharatiya Janata Party (BJP), spoke these words in the lower house of the Indian parliament. [2]

Considering the origins of the Kashmir problem, it is necessary to remember that Jammu and Kashmir was formed back in 1846. Then the British transferred Kashmir, captured by them as a result of the first Anglo-Sikh war, to the ruler of the Jammu principality, Maharaja Gulyab Singh, in accordance with the treaty signed in Amritsar March 16, 1846. Article III of this treaty provided that for territorial acquisitions Gulyab Singh had to pay the British government 5 million rupees after the ratification of the treaty and 2.5 million rupees before October 1, 1846. [3,p.546] Thus, the total amount of compensation was 7.5 million rupees, and Gulyab Singh became the maharaja of the united principality of Jammu and Kashmir. It was thanks to the British that the principality with the Muslim majority of the population began to be ruled by the Hindu-denominated Dogra dynasty, which a hundred years later had a decisive effect on the entire subsequent history of this region.

In the first half of the XX century. in Kashmir, the Muslim Conference of Kashmir, which led the opposition to the Maharaja regime, emerged. "Since both Muslims and Hindus participated in the movement, the Muslim Conference was renamed the National Conference.

The most fanatical Muslims, who were under the influence of the Muslim League, split from this organization and created their own organization under the former name of the Muslim Conference" [4, p.171].

The plan for the transfer of power by the British, proposed by the last Viceroy of India, Lord Mountbatten (and approved by the British Parliament as the Indian Independence Act, which came into force on August 15, 1947), provided that the right to choose the accession of the principality to one of the dominions – Pakistan, or Indian Union – will be in the competence of their rulers [5, p.483].

However, the Maharaja of Kashmir, Hari Singh, hesitated to make a choice. Being a Hindu by religion, Hari Singh was against the entry of the principality into the Islamic state of Pakistan. At the same time, in the event of the annexation of Kashmir to India, he feared a possible uprising of the population of the principality, the majority of which were Muslims.

In accordance with the pro-Indian version of further events adopted at the time, on October 22, 1947, a Pakistan-inspired invasion of Kashmir from the North-West Frontier Province of the nomadic Pathan (Pashtun) tribes took place, which in four days approached the capital of the principality – the city of Srinagar. Maharaja fled to Jammu. An external threat forced Hari Singh to ask for help from India and sign a document on the accession of Kashmir to the Indian Union. Immediately after that, on October 27, 1947, parts of the Indian army were transferred to Srinagar by air, which stopped the advance of the tribes. Pakistani troops followed the tribes, and soon the civil war escalated into an undeclared war between India and Pakistan, which lasted more than a year. [6, p.516]

Moreover, at the first stage of this war, the commander-in-chief of both the Indian and Pakistani armies was one man – the English General Auchinleck. [5, p.488] Thanks to the UN mediation, a ceasefire agreement was reached, which entered into force on January 1, 1949. The hostilities were stopped along the temporary demarcation line [7, p.475].

However, there is another interpretation of the beginning of the conflict. As you know, the partition of India led to mass pogroms and massacres of representatives of various religious communities. This had a negative impact on the mood of the population in Jammu province, where attacks and killings began on Muslims, as a result of which, according to some estimates, some 500,000 Muslims were forced to leave Jammu. This, in turn, caused outrage among the Muslims of Puncha (the western region of the principality adjacent to the border with Pakistan). As a result, in September 1947, an uprising broke out in Puncha against the power of the Maharaja, which the latter's troops tried to suppress by force [8, p.320]. Then to the aid of the rebel "Free Armed Forces of Kashmir" came the militias of the Pashtun tribes [7, p.475].

Be that as it may, two days earlier than the Maharaja signed a document on joining India, the rebels in Puncha established a provisional government of Azad Kashmir (Free Kashmir) with headquarters in the city of Muzaffarabad. The northern regions of the principality of Jammu and Kashmir Gilgit, Hunza and Nagar passed into the hands of Pakistan practically without a fight. Under the British, this region from the end of the XIX century. was removed from the direct control of the maharaja. Following the same tradition, Pakistan did not allow the Muzaffarabad regime to interfere in the affairs of these northern regions. Therefore, in fact, the government of Azad Kashmir, headed by a member of the Muslim Conference Sardar Muhammad Ibrahim, controlled a narrow strip of territory along the border with Pakistan with a population of about

900 thousand people, of which 200 thousand were refugees from the territory of the principality controlled by India [9, p.66-67].

In 1948, the leader of the National Conference, Sheikh Mohammad Abdullah, who was called the "Lion of Kashmir", became the Chief Minister of Jammu and Kashmir. This is how the de facto partition of Kashmir took place, and a problem arose in Indo-Pakistani relations, a solution to which the parties could not find throughout the entire period of their independent existence. Aleister Lambodin, a researcher on the Kashmir issue, noted that the emerging governments of Azad Kashmir and the Indian state of Jammu and Kashmir were one-party and consisted of members of the Muslim Conference and the National Conference, respectively. This allowed him to conclude that the division of Kashmir, in a sense, was also the division of the territory of the principality between the two main Kashmir parties, along with the division between the two countries: India and Pakistan. "

Back on November 2, 1947, in a radio address to the peoples of India, Jawaharlal Nehru said that after the restoration of peace and order in Kashmir, a referendum (plebiscite) should be held under the impartial supervision of the UN, and promised to respect any verdict of the Kashmiri people [10, p.25]. Clause 6 of the complaint against Pakistan's actions submitted to the UN Security Council on January 1, 1948 by the Permanent Representative of India to the UN also provided for the opportunity for the people of Kashmir to determine their future through a plebiscite or referendum, which, to ensure complete objectivity, could be held under international control [11] Since that moment, the issue of Kashmir has been repeatedly raised in the UN Security Council (SC), which reacted by adopting a number of resolutions.

In accordance with UN Security Council Resolution 39 (1948) of January 20, 1948, the UN Commission for India and Pakistan was established [12]. UN Security Council Resolution 47 (1948) of April 21, 1948 provided for the restoration of peace and order in Kashmir (part A), as well as the creation of an administration to hold a plebiscite on the annexation of the principality to India or Pakistan (part B) [13].

On August 13, 1948, the UN Commission for India and Pakistan adopted a resolution in which, along with the proposed ceasefire (Part I) and the principles of the armistice agreement (Part II), the Governments of India and Pakistan were recommended to confirm that the future status of the Jammu and Kashmir will be determined according to the free will of its population (Part III) [14].

The next Commission resolution of January 5, 1949 confirmed the need to resolve the issue of the annexation of the principality of Jammu and Kashmir to India or Pakistan in a democratic way on the basis of a free and impartial plebiscite, which will take place after the entry into force of parts I and II of the Commission resolution of August 13, 1948. [15]

Confirming the provision on the plebiscite after the demilitarization of Jammu and Kashmir, UN Security Council Resolution 80 (1950) of March 14, 1950 contained a decision to liquidate the UN Commission for India and Pakistan (paragraph 5) [16] as having fulfilled its mission.

On March 30, 1951, Resolution 91 (1951) of the UN Security Council was adopted, in which (in connection with the adoption on October 27, 1950 by the General Council of the National Conference of Jammu and Kashmir, a resolution recommending the convocation of the Constitutional Assembly to determine the future form of government and ownership of Jammu and Kashmir) it was indicated that, since this Constitutional Assembly will be elected only in part of the territory of Jammu and Kashmir, its decisions on the future of the principality will not be legitimate. The final position of the principality of Jammu and Kashmir must be determined in accordance with the will of its people, expressed through a free and impartial plebiscite held under the auspices of the UN [17].

Subsequently, the provision on holding a plebiscite under UN supervision was contained in a number of UN Security Council resolutions: 96 (1951) of November 10, 1951 [18], (1952) of December 23, 1952 109, 122 (1957) of January 24, 1957 and 126 (1957) of December 2, 1957.

However, the plebiscite was never held. From the end of 1947 to 1952, India agreed to its implementation, but after the Nehru-Abdullah agreement was reached, and especially after the adoption of the constitution of Jammu and Kashmir, India's position gradually changed, which began to consider Jammu and Kashmir as an integral part of its territory. By the beginning of the 60s. India abandoned the idea of a plebiscite altogether.

T.N. Kaul explained the failure to comply with the requirement to hold a plebiscite by the fact that Pakistan refused to comply with the provisions of the first two parts of the resolution of the UN Commission for India and Pakistan of August 13, 1948 (i.e., regarding a ceasefire and truce). According to him, Pakistan's failure to comply with the first part of the resolution was: 1) the supply of additional military equipment to Kashmir; 2) the construction of airfields and bases for attacks on India; 3) using membership in military pacts to build up military capabilities; 4) the occupation of the northern regions of Jammu and Kashmir;

5) the threat of the use of force; 6) organizing and financing sabotage and subversive actions, as well as in violation of the ceasefire line. TNKaul saw Pakistan's failure to comply with the second part of the resolution in: 1) refusal to withdraw troops from the occupied territory; 2) maintaining the presence of the invading tribes and Pakistani citizens in the occupied territory; 3) increasing the number of troops to 35 battalions; 4) statements by the press and government officials of Pakistan, inciting to war against India for the annexation of Kashmir to Pakistan.

Thus, in the territorial dispute over Kashmir, the positions of both India and Pakistan did not have sufficient legitimate support, which significantly limited the possibility of reaching a negotiated solution acceptable to both sides.

The next changes in the territory of Jammu and Kashmir took place after the offensive in October 1962 by Chinese troops, as a result of which China, which did not recognize the "MacMahon line", consolidated control over part of Ladakh.

After the conflict of 1947-48, twice more India fought with Pakistan in 1965 and 1971, and each time hostilities were unfolding on the territory of Kashmir. After the third Indo-Pakistani war, an agreement was signed in Simla on July 2, 1972, in accordance with which the parties committed themselves to seeking a solution to the Kashmir problem through bilateral negotiations, and the line of control became the de facto border between the two countries. Article 4 (I) of the Simla Agreement stated that "In Jammu and Kashmir, the line of control formed as a result of the ceasefire on December 17, 1971, will be respected by both sides without prejudice to the recognized positions of each side. Neither side will seek to change it unilaterally." This applied only to Jammu and Kashmir; on

In other sectors, the troops were withdrawn to the positions occupied before the outbreak of hostilities, and the state border line was restored.

As a result, the territory of the former principality of Jammu and Kashmir was divided between three neighboring states.

None of the states mentioned is satisfied with the current status quo and continues to put forward territorial claims to others. In particular, India and Pakistan mutually claim the territory of the entire principality, and China – almost the entire territory of the Indian state of Arunachal Pradesh.

India prefers not to recall the UN resolutions regarding the holding of the plebiscite, referring to the provisions of the Simla Agreement with Pakistan on the search for a solution to the Kashmir problem on a bilateral basis, and seeks to avoid its internationalization.

References:

1. Jammu Kashmir Article 370: Govt revokes Article 370 from Jammu and Kashmir, bifurcates state into two Union Territories (англ.). The Times of India (5 August 2019).
2. Kuprijanov A. Smena statusa: pochemu Dzhammu i Kashmir perestal byt' shtatom. URL: <https://iz.ru/906977/aleksei-kupriianov/smena-statusa-pochemu-dzhammu-i-kashmir-perestal-byt-shtatom>
3. Treaty between the British Government and Maharaja Gulab Singh of Jummoo. in: Drew F. Land Marks in Indian Anthropology. *Jammu & Kashmir Territories. An Account*. Vol.26. New Delhi, 1987.
4. D'yakov A. M. Nacional'nyj vopros v sovremennoj Indii. M., 1963.
5. Antonova A.K., Bongard-Levin G.M., Kotovskij G.G.. Istorija Indii. M., 1979.
6. Novejshaya istoriya Indii / Otv. red. V.V.Balabushevich, A.M.D'yakov. M., 1959.
7. Diurozel Zh.-B. Istoriiya diplomatii vid 1919 r. do nashykh dniv. K., 1995.
8. Sebastian P.A. Kashmir behind the Propaganda Curtain. *Economic and Political Weekly*, 10.02.1996.
9. Alastair Lamb. Crisis in Kashmir. 1947to 1966. London, 1966. P.66-67.
10. Borovoj Ya. O bednom Kashmire zamolvite slovo. *Novoe vremya*. 1992. № 43. С. 25.
11. Indian Complaint to the Security Council. Letter Dated 1 January, 1948, from the Representative of India to the President of the Security Council (S/628) URL: <http://www.atlas.uk/indiaforum/kashmir/history/requests.htm>
12. Resolution 39 (1948) Submitted by the Representative of Belgium and Adopted by the Security Council at its 230th Meeting Held on 20 January 1948. (Document No. S/654 Dated the 20th January 1948) URL: <http://www.alumni.caltech.edu/~mughal/kashmir/undoc/2.html>
13. Resolution 47 (1948) on the India-Pakistan Question Submitted Jointly by the Representatives of Belgium, Canada, China, Columbia, the United Kingdom and the United States of America and Adopted by the Security Council at its 286th Meeting Held on 21 April 1948. (Document No. S/726 Dated the 21st April 1948) URL: <http://www.alumni.caltech.edu/~mughal/kashmir/undoc/3Mml>
14. Resolution Adopted by the United Nations Commission for India and Pakistan on 13 August 1948. (Document No. S/1100, para 75, Dated the 9th November 1948) URL: <http://www.alumni.caltech.edu/~mughal/kashmir/undoc/5.html>
15. Resolution Adopted at the Meeting of the United Nations Commission for India and Pakistan on 5 January, 1949. (Document No. 5/1196, para 15, Dated the 10th January, 1949) URL: <http://www.mtholyoke.edu/acad/intrel/uncom2.htm>

16 Resolution 80 (1950) Concerning the India-Pakistan Question Submitted by the Representatives of Cuba, Norway, the United Kingdom and the United States of America and Adopted by the Security Council on March 14, 1950. (Document No. S/1469, Dated the 14h March, 1950) URL: <http://www.mtholyoke.edu/acad/intrel/lcashun80.htm>

17. Resolution 91 (1951) Concerning the India-Pakistan Question Submitted by the Representatives of the United Kingdom and the United States of America and Adopted by the Security Council on March 30, 1951. (Document No. S/2017/Rev. 1, Dated the 30h March, 1951) URL: <http://www.mtholyoke.edu/acad/intrel/kashun91.htm>

18. Resolution 96(1951) Concerning the India-Pakistan Question Adopted by the Security Council on the 10h November, 1951. (Document No. 5/2392, Dated the 10h November, 1951) URL: <http://www.mtholyoke.edu/acad/intrel/kashun96.html>

Бібліографічний список:

1. Jammu Kashmir Article 370: Govt revokes Article 370 from Jammu and Kashmir, bifurcates state into two Union Territories (англ.). The Times of India (5 August 2019).

2. Куприянов А. Смена статуса: почему Джамму и Кашмир перестал быть штатом. URL: <https://iz.ru/906977/aleksei-kupriianov/smena-statusa-pochemu-dzhammu-i-kashmir-perestal-byt-shtatom>

3. Treaty between the British Government and Maharaja Gulab Singh of Jummoo in: Drew F. Land Marks in Indian Anthropology. *Jammu & Kashmir Territories. An Account* Vol.26. New Delhi, 1987.

4. Дьяков А. М. Национальный вопрос в современной Индии. М., 1963.

5. Антонова А.К., Бонгард-Левин Г.М., Котовский Г.Г.. История Индии. М., 1979.

6. Новейшая история Индии / Отв. ред. В.В.Балабушевич, А.М.Дьяков. М., 1959.

7. Дюррозель Ж.-Б. Історія дипломатії від 1919 р. до наших днів. К., 1995.

8. Sebastian P. A. Kashmir behind the Propaganda Curtain. *Economic and Political Weekly*, 10.02.1996.

9. Alastair Lamb. Crisis in Kashmir. 1947 to 1966. London, 1966. P.66-67.

10. Боровой Я. О бедном Кашмире замолвите слово. *Новое время*. 1992. № 43. С. 25.

11. Indian Complaint to the Security Council. Letter Dated 1 January, 1948, from the Representative of India to the President of the Security Council (S/628) URL: <http://www.atlas.uk/indiaforum/kashmir/history/requests.htm>

12. Resolution 39 (1948) Submitted by the Representative of Belgium and Adopted by the Security Council at its 230th Meeting Held on 20 January 1948. (Document No. S/654 Dated the 20th January 1948)

URL: <http://www.alumni.caltech.edu/~mughal/kashmir/undoc/2.html>

13. Resolution 47 (1948) on the India-Pakistan Question Submitted Jointly by the Representatives of Belgium, Canada, China, Columbia, the United Kingdom and the United States of America and Adopted by the Security Council at its 286th Meeting Held on 21 April 1948. (Document No. S/726 Dated the 21st April 1948)

URL: <http://www.alumni.caltech.edu/~mughal/kashmir/undoc/3Mml>

14. Resolution Adopted by the United Nations Commission for India and Pakistan on 13 August 1948. (Document No. S/1100, para 75, Dated the 9th November 1948) URL: <http://www.alumni.caltech.edu/~mughal/kashmir/undoc/5.html>

15. Resolution Adopted at the Meeting of the United Nations Commission for India and Pakistan on 5 January, 1949. (Document No. 5/1196, para 15, Dated the 10th January, 1949) URL: <http://www.mtholyoke.edu/acad/intrel/uncom2.htm>

16. Resolution 80 (1950) Concerning the India-Pakistan Question Submitted by the Representatives of Cuba, Norway, the United Kingdom and the United States of America and Adopted by the Security Council on March 14, 1950. (Document No. S/1469, Dated the 14h March, 1950) URL: <http://www.mtholyoke.edu/acad/intrel/lcashun80.htm>

17. Resolution 91 (1951) Concerning the India-Pakistan Question Submitted by the Representatives of the United Kingdom and the United States of America and Adopted by the Security Council on March 30, 1951. (Document No. S/2017/Rev. 1, Dated the 30h March, 1951) URL: <http://www.mtholyoke.edu/acad/intrel/kashun91.htm>

18. Resolution 96(1951) Concerning the India-Pakistan Question Adopted by the Security Council on the 10h November, 1951. (Document No. 5/2392, Dated the 10h November, 1951) URL: <http://www.mtholyoke.edu/acad/intrel/kashun96.html>

Хевциріані А., Чічуа Р. Причини та джерела сепаратизму в Джамму та Кашмірі.

Індійське суспільство відрізняється надзвичайним етнічним, конфесійним, кастовим та соціальним різноманіттям. Етнічні групи, що населяють країну, різняться за розмірами, рівнями економічного розвитку та національної ідентичності, ступенем консолідації та автономії. Крім того, етнічна ситуація в Індії ускладнюється релігійним фактором. Приблизно 85% населення Індії належить до індуїстської спільноти, решта – громади меншин (мусульмани, християни різних конфесій, сикхи, буддисти, джайни). До того ж, як політична єдність, сучасна Індія була створена штучно, в результаті завоювання Британії. Тому почуття політичної нації виникло по факту, а не в природному процесі національної консолідації країни.

Не дивно, що через таку неоднорідність населення Індія за роки незалежності стикалася з багатьма конфліктними ситуаціями, спричиненими невдоволенням своїм становищем з боку

різних етнічних, соціальних та релігійних груп, а також суперечностями між їхніми інтересами. Такі протести меншин, а також конфлікти на етнічній та релігійній основі завжди представляють загрозу політичній стабільності, а іноді – й територіальній цілісності країни. У зв'язку з цим рухи, що переслідують сепаратистські цілі, становлять особливу небезпеку для єдності індійської держави. Деякі з них (наприклад, рух за створення незалежного "Дравідістану" на півдні Індії) були дозволені в рамках федеральної системи шляхом створення так званих "мовних штатів" після територіальної реорганізації в 1956 р. Але навіть зараз сепаратистські рухи різної інтенсивності все ще діють в різних частинах Індії. Центральна та регіональна влада країни докладає великих зусиль у боротьбі з сепаратизмом. Для цього вони використовують увесь наявний арсенал засобів і методів: від варіантів придушення сепаратистів військовою силою до мирних переговорів та розгляду можливості політичного врегулювання проблеми.

Ключові слова: Джамму та Кашмір; Індія; Пакистан; Китай; сепаратизм.